

REMARKS/ARGUMENTS

This Amendment is submitted within the three-month period for reply extending to December 13, 2006. Therefore, no extension of time fee is due. The status of the claims is summarized below.

Original claims 16-20 are renumbered as claims 15-19, respectively, due to the absence of an original claim 15.

Renumbered claims 15-19 are currently amended to resolve claim dependency issues associated with their renumbering.

Claims 1-19 are pending in the application after entry of this Amendment.

Claim Objections

Due to the absence of an original claim 15, the Office has renumbered claims 16-20 as claims 15-19. The Applicant has formally amended each of original claims 16-20 to be renumbered as claims 15-19, respectively, and recite appropriate claim dependency.

Rejections under 35 U.S.C. 102

Claims 1-2, 4-5, 14-15, and 17-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Coleman (U.S. Patent No. 5,933,475). These rejections are traversed.

Coleman teaches an audio time analysis method for testing a telecommunication system. The method of Coleman includes directing a telecommunications system to generate a particular speech audio signal (5:10-20). The method of Coleman also includes operating a testing system to determine whether the correct message, i.e., speech audio signal, was generated by the telecommunication system, by determining how long it took to play all or portions of the message (5:30-35). More specifically, Coleman (6:11-13) teaches that the duration of all or portions of the generated message is measured to create a characteristic time duration number. Coleman (6:22-28) teaches that determining

whether or not a specific message was played is performed by comparing the created time duration number to the results of other time duration number measurements performed on messages whose content was independently identified.

The method of Coleman is specifically defined to rely on measurement signal duration in order to identify a particular speech audio signal. Coleman (5:30-35) specifically teaches that the testing system does not determine whether the correct message was generated by the telecommunication system by recognizing the speech content of the message. Coleman (6:13-17) also teaches that the audio time analysis process DOES NOT require recording or storing of the actual audio found in the measured audio period. Coleman (6:13-20) further teaches that the audio time analysis process DOES NOT involve comparison of the actual audio with any other audio recording, stored audio file, or string of values, as is done in the process of speech recognition.

In view of the foregoing, with regard to each of claims 1 and 14, Coleman does not teach storing reference test data comprising a plurality of data segments. Coleman also does not teach comparing the data segments in the degraded test data to corresponding data segments in the reference test data using a fixed point operation, as recited in each of claims 1 and 14. In fact, Coleman (6:13-20) specifically teaches that the actual speech audio signal generated in the audio time analysis method is not compared with any other audio recording, stored audio file, or string of values.

For a claim to be anticipated under 35 U.S.C. 102, each and every feature of the claim must be taught by a single prior art reference. In view of the foregoing, the Applicant submits that Coleman fails to teach each and every feature of claims 1 and 14, respectively, as required for anticipation under 35 U.S.C. 102. Therefore, the Office is requested to withdraw the rejections of claims 1 and 14 under 35 U.S.C. 102.

Because a dependent claim incorporates each and every feature of its independent claim, the dependent claim is patentable for at least the same reasons as its independent claim. Therefore, the Applicant submits that each of dependent claims 2 and 4-5 is patentable for at least the same reasons as claim 1, and each of dependent claims 15 and 17-18 is patentable for at least the same reasons as claim 14. The Office is requested to withdraw the rejections of dependent claims 2, 4-5, 15, and 17-18 under 35 U.S.C. 102.

Rejections under 35 U.S.C. 103

Claims 3 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman in view of Cabot (U.S. Patent No. 5,649,604). These rejections are traversed.

Because a dependent claim incorporates each and every feature of its independent claim, the dependent claim is patentable for at least the same reasons as its independent claim. Therefore, the Applicant submits that each of dependent claims 3 and 16 is patentable for at least the same reasons as claims 1 and 14, respectively. The Office is requested to withdraw the rejections of dependent claims 3 and 16 under 35 U.S.C. 103.

Claims 6-10, 12-13, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman in view of Quan et al. ("Quan" hereafter) (U.S. Patent Application Publication No. 2004/0193974). These rejections are traversed.

In applying the combination of Coleman and Quan to assert prima facie obviousness of claim 8, the Office relies upon Coleman to teach a fixed point based logic unit that compares the data segments in the degraded test data to corresponding data segments in the reference test data using a fixed point operation. However, Coleman (6:13-20) specifically teaches that the audio time analysis process DOES NOT involve comparison of the actual audio with any other audio recording, stored audio file, or string of values, as is done in the process of speech recognition. Rather, the method of Coleman

relies upon measurement of signal duration in order to identify a particular speech audio signal. Therefore, with regard to claim 8, the Applicant submits that Coleman does not teach a fixed point based logic unit that compares the data segments in the degraded test data to corresponding data segments in the reference test data using a fixed point operation.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As discussed above, the combination Coleman and Quan does not teach each and every feature of claim 8. Therefore, the Applicant submits that claim 8 is not rendered prima facie obvious under 35 U.S.C. 103 by the asserted combination of Coleman and Quan. Thus, the Office is requested to withdraw the rejection of claim 8 under 35 U.S.C. 103.

Because a dependent claim incorporates each and every feature of its independent claim, the dependent claim is patentable for at least the same reasons as its independent claim. Therefore, the Applicant submits that each of dependent claims 6-7 is patentable for at least the same reasons as claim 1, each of dependent claims 9-10 and 12-13 is patentable for at least the same reasons as claim 8, and dependent claim 19 is patentable for at least the same reasons as claim 14. The Office is requested to withdraw the rejections of dependent claims 6-10, 12-13, and 19 under 35 U.S.C. 103.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman in view of Quan and further in view of Cabot. This rejection is traversed.

Because a dependent claim incorporates each and every feature of its independent claim, the dependent claim is patentable for at least the same reasons as its independent claim. Therefore, the Applicant submits that dependent claim 11 is patentable for at least

the same reasons as claim 8. The Office is requested to withdraw the rejection of dependent claim 11 under 35 U.S.C. 103.

The Applicants respectfully submit that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6914. Also, if any additional fees are due in connection with filing this Amendment, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. SPIRP002). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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